

Application/Control Number: 09/732,066
Art Unit: 2134

Atty. Docket No.: 3538.PALM

REMARKS

Reconsideration and allowance are requested. Claims 1 - 24 are pending and claims 1, 2 - 7, 9 - 11, 14 - 21 and 23 are amended to review an unnecessary limitation added in earlier prosecution. Even though this is an After Final Amendment, Applicant respectfully requests entry of the amendment in that the amendment removes terms that were added by a previous amendment. In other words, no new matter is added and the claims without the term "carrier" as removed have already been searched and examined.

Rejection of Claims 1-24 Under 35 U.S.C. § 102(e)

The Examiner rejects claims 1-24 under 35 U.S.C. § 102(e) as being anticipated by Stewart et al., U.S. Patent No. 6,732,176 ("Stewart"). Applicant respectfully traverses this rejection and submits that Stewart simply fails to teach each claim limitation.

With regards to the first four steps of claim 1 (receiving a command, determining, sending and receiving the network activation information), the Examiner cites Stewart, col. 2, lines 21 - 59 as teaching these claim limitations. Claim 1 recites receiving at a plug-in device a command to initiate network activation procedures. The second step recites determining at the plug-in device a network activation status of the computer. Stewart fails to teach either of these limitations. First, Stewart fails to teach a plug-in device that receives a command to initiate network activation procedures. The wireless network interface card disclosed by Stewart is only used for accessing a network system. Col. 2, lines 21 - 23. Further, the plug-in device of claim 1 determines a network activation status of the computer. There is no teaching within the cited portion of Stewart regarding any plug-in device determining a network activation status of the computer. In fact, Stewart teaches that the portable computing device (PCD) stores identification information which uniquely identifies at least one network provider, and other information which may be used to identify networks to which the user has subscribed. There is no teaching that the network interface card performs any such steps.

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Therefore, because Stewart fails to teach a plug-in device that receives a command to initiate network activation procedures and because Stewart further fails to teach determining at a plug-in device a network activation status of the computer, Applicant submits that claim 1 is patentable over Stewart.

Furthermore, claim 1 recites the step of configuring the computer with the network activation information in order to establish network activation. The Examiner cites col. 8, lines 4 - 34 as matching this step. Applicant traverses this analysis. Col. 8, lines 4 - 34 merely discusses the geographic component of Stewart's invention. He teaches that geographic information (from a GPS system) may be provided from the PCD to the access point of the network. A service provider connected to the network may receive the GPS information. Applicant submits that in no place cited by the Examiner does Stewart configure the computer with network activation information in order to establish network activation. Col. 8, lines 4 - 34 mentions nothing about network activation and also mentions nothing about configuring the computer in any respect using network activation information. Therefore, for this additional reason, Applicant submits that claim 1 is patentable.

Claims 2 - 10 each depend from claim 1 and recite further limitations therefrom. Accordingly, for the same reasons set forth above for the patentability of the parent claim, each of these claims is patentable as well.

Claim 11 recites a plug-in device that comprises an API tailored to a particular carrier, wherein the API is configured to receive a network activation command from a generic deriver in a computer. The Examiner asserts that col. 8, lines 35 - 49 of Stewart teaches this limitation. Applicant traverses this analysis and submits that col. 8 of Stewart discusses functionality that is taught as being within the network system, not within a plug-in device.

For example, the entities that store the data structures described in col. 8 are the access points 120 and/or the MIB 150. As taught by Stewart, the access point 120 and/or MIB 150 store the data structure that includes the information such as information about

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network provides and access information such as associated data routing. Inasmuch as Stewart only discloses this information as within or associated with the network (see FIG. 1 with the access points 120 and MIB 150), he fails to teach the limitation of claim 11 which places the API within the plug-in device. Therefore, Applicant submits that claim 11 is patentable and in condition for allowance.

Claims 12 - 14 each depend from claim 11 and recite further limitations therefrom.

Claim 15 is a computer-readable medium claim that is patentable for the same reasons that claim 1 is patentable. Finally, claims 16 - 24 each depend from claim 15 and recite further limitations therefrom. Accordingly, these claims are patentable as well.

CONCLUSION

Having addressed the rejection of claims 1-24, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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/Thomas M. Isaacson/
by: Thomas M. Isaacson

Correspondence Address:
Berry & Associates, P.C.
Customer Number: 49632
9255 Sunset Boulevard, Suite 810
Los Angeles, CA 90069
Phone: (310) 247-2860
Fax: (310) 247-2864

Thomas M. Isaacson
Attorney for Applicants
Reg. No. 44,166
Phone: 410-414-3056
Fax No.: 410-510-1433